

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**CATALINA GOMEZ, et als**  
Plaintiffs,

v.

**CIVIL NO. 04-2259(DRD)**

**UNITED STATES OF AMERICA,**  
Defendant

<b>MOTION</b>	<b>RULING</b>
<p><b>Date</b> <b>Filed:</b> 07/08/05  <input type="checkbox"/> <b>Pliff</b> <span style="float: right;"><input checked="" type="checkbox"/> <b>Deft</b></span>  <input type="checkbox"/> <b>Other</b></p> <p><b>Title:</b> Motion Requesting that Ad Danum be Reduced</p> <p>(Docket No. 11)</p>	<p><b>GRANTED.</b> Pursuant to 28 U.S.C. § 2675(b), plaintiff is barred from requesting a sum in excess of the amount of the claim presented at the federal agency. Accordingly, plaintiff's claim for \$771,000.00 is reduced to \$145,000.00.</p>
<p><b>Date</b> <b>Filed:</b> 07/08/05  <input type="checkbox"/> <b>Pliff</b> <span style="float: right;"><input checked="" type="checkbox"/> <b>Deft</b></span>  <input type="checkbox"/> <b>Other</b></p> <p><b>Title:</b> Partial Motion to Dismiss and Memorandum in Support of Partial Motion to Dismiss</p> <p>(Docket No. 12)</p>	<p><b>GRANTED.</b> Pursuant to 28 U.S.C. §2675(a), plaintiff must comply with all administrative procedures <b>before</b> filing an action in this forum. Accordingly, not having the <b>Conjugal Partnership</b> in the instant claim exhausted all administrative remedies, said party's claim is <b>DISMISSED</b>.<sup>1</sup></p>

**Date: July 26, 2005**

S/ Daniel R. Dominguez  
**DANIEL R. DOMINGUEZ**  
U.S. District Judge

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<sup>1</sup>The Court will refrain from issuing a partial judgment at this time. The First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See Nichols v. Cadle Co., 101 F.3d 1448, 1449 (1<sup>st</sup> Cir. 1996) ("piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly."); Zayas-Green v. Casaine, 906 F.2d 18, 21 (1<sup>st</sup> Cir. 1990) ("This final judgment rule . . . furthers 'the strong congressional policy against piecemeal review.'" Id. (quoting In re Continental Investment Corp., 637 F.2d 1, 3 (1<sup>st</sup> Cir. 1980)); Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority, 888 F.2d 180, 183 (1<sup>st</sup> Cir. 1989); Consolidated Rail Corp v. Fore River Ry. Co., 861 F.2d 322, 325 (1<sup>st</sup> Cir. 1988); Spiegel v. Trustees of Tufts Coll., 843 F.2d 38, 43 (1<sup>st</sup> Cir. 1988); Santa Maria v. Owens-Ill., Inc., 808 F.2d 848, 854 (1<sup>st</sup> Cir. 1986)); see also United States v. Nixon, 418 U.S. 683, 690 (1974).